

1 AN ACT
2 RELATING TO PUBLIC RECORDS; PROTECTING THE CONFIDENTIALITY OF
3 CERTAIN VICTIMS OF AND WITNESSES TO CERTAIN CRIMES.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 SECTION 1. Section 14-2-1 NMSA 1978 (being Laws 1947,
7 Chapter 130, Section 1, as amended) is amended to read:

8 "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
9 Every person has a right to inspect public records of this
10 state except:

11 A. records pertaining to physical or mental
12 examinations and medical treatment of persons confined to an
13 institution;

14 B. letters of reference concerning employment,
15 licensing or permits;

16 C. letters or memoranda that are matters of
17 opinion in personnel files or students' cumulative files;

18 D. portions of law enforcement records that
19 reveal:

20 (1) confidential sources, methods or
21 information; or

22 (2) before charges are filed, names of
23 individuals who are:

24 (a) accused but not charged with a
25 crime; or

1 (b) victims of or non-law-enforcement
2 witnesses to an alleged crime of: 1) assault with intent to
3 commit a violent felony pursuant to Section 30-3-3 NMSA 1978
4 when the violent felony is criminal sexual penetration;
5 2) assault against a household member with intent to commit a
6 violent felony pursuant to Section 30-3-14 NMSA 1978 when the
7 violent felony is criminal sexual penetration; 3) stalking
8 pursuant to Section 30-3A-3 NMSA 1978; 4) aggravated stalking
9 pursuant to Section 30-3A-3.1 NMSA 1978; 5) criminal sexual
10 penetration pursuant to Section 30-9-11 NMSA 1978; or
11 6) criminal sexual contact pursuant to Section 30-9-12
12 NMSA 1978.

13 Law enforcement records include evidence in any form
14 received or compiled in connection with a criminal
15 investigation or prosecution by a law enforcement or
16 prosecuting agency, including inactive matters or closed
17 investigations to the extent that they contain the
18 information listed in this subsection; provided that the
19 presence of such information on a law enforcement record does
20 not exempt the record from inspection;

21 E. as provided by the Confidential Materials Act;

22 F. trade secrets, attorney-client privileged
23 information and long-range or strategic business plans of
24 public hospitals discussed in a properly closed meeting;

25 G. tactical response plans or procedures prepared

1 for or by the state or a political subdivision of the state,
2 the publication of which could reveal specific
3 vulnerabilities, risk assessments or tactical emergency
4 security procedures that could be used to facilitate the
5 planning or execution of a terrorist attack; and

6 H. as otherwise provided by law."

7 SECTION 2. A new section of the Inspection of Public
8 Records Act, Section 14-2-1.1 NMSA 1978, is enacted to read:

9 "14-2-1.1. PERSONAL IDENTIFIER INFORMATION.--Protected
10 personal identifier information contained in public records
11 may be redacted by a public body before inspection or copying
12 of a record. The presence of protected personal identifier
13 information on a record does not exempt the record from
14 inspection. Unredacted records that contain protected
15 personal identifier information shall not be made available on
16 publicly accessible websites operated by or managed on behalf
17 of a public body."

SB 118
Page 3